



# Audit Commission Act 1998 (repealed)

## 1998 CHAPTER 18

### PART III

#### STUDIES, PERFORMANCE STANDARDS AND OTHER FUNCTIONS

**Modifications etc. (not altering text)**

**C1** Pt. III continued (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. [69\(6\)](#), [73](#); S.I. 2005/558, art. [2](#), Sch. 1

*Studies and related functions*

**33 Studies for improving economy etc. in services.**

- (1) The Commission shall undertake or promote comparative and other studies designed to enable it to make recommendations—
- (a) for improving economy, efficiency and effectiveness in [<sup>F1</sup>the exercise of the functions of best value authorities [<sup>F2</sup>which are bodies subject to audit] and the provision of services provided by other bodies subject to audit][<sup>F3</sup>and by local government bodies in Wales]; and
  - (b) for improving the financial or other management of bodies subject to audit [<sup>F4</sup>and local government bodies in Wales].

<sup>F5</sup>(2) .....

- (3) In undertaking or promoting studies under subsection (1) relating to a health service body (services of which are excluded from studies under section 34) the Commission may take into account the implementation by the body of—
- (a) any particular statutory provision or provisions, <sup>F6</sup>...
  - (b) any directions or guidance given by the Secretary of State (whether pursuant to any such provision or otherwise) [<sup>F7</sup>, and

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- (c) if the body is a clinical commissioning group, any guidance given by the National Health Service Commissioning Board;]
- but this subsection does not entitle the Commission to question the merits of the policy objectives of the Secretary of State [<sup>F8</sup>or the National Health Service Commissioning Board].
- (4) The Commission may undertake or promote other studies relating to the provision by bodies subject to audit [<sup>F9</sup>and by local government bodies in Wales] of their services besides the studies referred to in subsection (1) and section 34.
- (5) The Commission shall publish or otherwise make available its recommendations and the result of any studies under this section and, in the case of studies relating to a health service body, shall, on request, provide the Comptroller and Auditor General with all material relevant to the studies.
- (6) <sup>F10</sup>Before undertaking or promoting any study under this section ... the Commission shall—
- [<sup>F11</sup>(za) consult the Secretary of State;]
    - (a) consult such associations of [<sup>F12</sup>best value authorities which are bodies subject to audit, other bodies subject to audit and local government bodies in Wales] as appear to it to be concerned;
    - (b) consult such associations of employees as appear to it to be appropriate; <sup>F13</sup>...
    - (c) in the case of any health service bodies, also consult [<sup>F14</sup>the National Health Service Commissioning Board,] the Care Quality Commission and the Comptroller and Auditor General.
  - [<sup>F15</sup>(ca) in the case of a study relating to a local government body in Wales, also consult [<sup>F16</sup>the Welsh Ministers and] the Auditor General for Wales and take into account any relevant work done or being done by the Auditor General for Wales.]
  - [<sup>F17</sup>(cb) in the case of a study which has a connection with anything which may be inspected under Chapter 4 of Part 8 of the Education and Inspections Act 2006, also consult Her Majesty's Chief Inspector of Education, Children's Services and Skills;]
  - [<sup>F18</sup>(d) in the case of a study which has a connection with adult social services (within the meaning of Part 1 of the Health and Social Care Act 2008), also consult the Care Quality Commission; and]
    - (e) in the case of a study which has a connection with Welsh local authority social services (within the meaning of [<sup>F19</sup>Part 2 of the Health and Social Care (Community Health and Standards) Act 2003]), also consult the National Assembly for Wales [<sup>F20</sup>; and
    - (f) in the case of any other study relating to a body in respect of which the Welsh Ministers may exercise functions, consult the Welsh Ministers.]
- [<sup>F21</sup>(6A) The Commission may undertake or promote studies under this section relating to a local government body in Wales only if the Commission considers it necessary or desirable to do so for the purposes of any of these—
- (a) a study into the exercise throughout England and Wales of particular functions of all local government bodies or a description of local government body;
  - (b) a study into the provision throughout England and Wales of particular services provided by all local government bodies or a description of local government body;

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- (c) a study into the financial or other management throughout England and Wales of all local government bodies or a description of local government body.]

[<sup>F22</sup>(7) The following provisions of this section do not apply in relation to the bodies specified in subsection (8)—

- (a) subsection (1)(a);
- (b) subsection (1)(b), so far as relating to management other than financial management;
- (c) subsection (4).

(8) Those bodies are—

- [ any clinical commissioning group;]  
<sup>F23</sup>(za) .....
- <sup>F24</sup>(a) .....
- <sup>F25</sup>(b) .....
- (c) any NHS trust (within the meaning of [<sup>F26</sup>the National Health Service Act 2006]) all or most of whose hospitals, establishments and facilities are situated in England.]

#### Textual Amendments

- F1** Words in s. 33(1)(a) substituted (27.9.1999 subject to art. 3(2)(b) of S.I. and otherwise 1.10.1999) by 1999 c. 27, s. 22(4)(a); S.I. 1999/2169, art. 3(2), Sch. 2; S.I. 1999/2815, art. 2
- F2** Words in s. 33(1)(a) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 23(2)(a), s. 73, Sch. 2 para. 23(1); S.I. 2005/558, art. 2, Sch. 1
- F3** Words in s. 33(1)(a) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 23(2)(b), s. 73, Sch. 2 para. 23(1); S.I. 2005/558, art. 2, Sch. 1
- F4** Words in s. 33(1)(b) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 23(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F5** S. 33(2) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 18 Pt. 11; S.I. 2008/172, art. 2(1)(u)(i)
- F6** Word in s. 33(3) omitted (1.4.2013) by virtue of The Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (S.I. 2013/594), arts. 1(2), 4(5)(a)(i)
- F7** S. 33(3)(c) and preceding word inserted (1.4.2013) by The Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (S.I. 2013/594), arts. 1(2), 4(5)(a)(ii)
- F8** Words in s. 33(3) inserted (1.4.2013) by The Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (S.I. 2013/594), arts. 1(2), 4(5)(a)(iii)
- F9** Words in s. 33(4) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 23(1)(4); S.I. 2005/558, art. 2, Sch. 1
- F10** Words in s. 33(6) repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 18 Pt. 11; S.I. 2008/172, art. 2(1)(u)(i)
- F11** S. 33(6)(za) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 153(2)(a), 245(5); S.I. 2008/172, art. 2(1)(c)
- F12** Words in s. 33(6)(a) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 23(1)(5); S.I. 2005/558, art. 2, Sch. 1
- F13** Word in s. 33(6) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 23(1)(6), Sch. 4; S.I. 2005/558, art. 2, Sch. 1
- F14** Words in s. 33(6)(c) inserted (1.4.2013) by The Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (S.I. 2013/594), arts. 1(2), 4(5)(b)
- F15** S. 33(6)(ca) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 23(6); S.I. 2005/558, art. 2, Sch. 1

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- F16** Words in s. 33(6)(ca) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 153(2)(c)**, 245(5); S.I. 2008/172, art. 2(1)(c)
- F17** S. 33(6)(cb) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 27**; S.I. 2007/935, art. 5(gg)
- F18** S. 33(6)(d) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 5 para. 66(3)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F19** Words in s. 33(6)(e) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 5 para. 66(4)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F20** S. 33(6)(f) and word inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 153(2)(d)**, 245(5); S.I. 2008/172, art. 2(1)(c)
- F21** S. 33(6A) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 23(1)(7); S.I. 2005/558, art. 2, Sch. 1
- F22** S. 33(7)(8) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 9 para. 12(6)**; S.I. 2004/759, art. 9
- F23** S. 33(8)(za) inserted (1.4.2013) by The Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (S.I. 2013/594), arts. 1(2), **4(5)(c)**
- F24** S. 33(8)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 81(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F25** S. 33(8)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 81(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** Words in s. 33(8)(c) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 187** (with Sch. 3 Pt. 1)

**Modifications etc. (not altering text)**

- C2** S. 33 modified (temp.) (1.10.2008) by The Health and Social Care Act 2008 (Consequential Amendments and Transitory Provisions) Order 2008 (S.I. 2008/2250), arts. 1(1), **3(5)**
- C3** S. 33(1) modified (4.1.2000 (E.) and 1.4.2000 (W.)) by 1999 c. 8, s. **21(2)**; S.I. 1999/2793, **art. 2(2)**; S.I. 2000/1041, **art. 2(b)**

**34 Reports on impact of statutory provisions etc.**

- (1) In addition to the studies referred to in section 33(1), the Commission shall undertake or promote studies designed to enable it to prepare reports as to the impact—
- (a) of the operation of any particular statutory provision or provisions, or
  - (b) of any directions or guidance given by a Minister of the Crown (whether pursuant to any such provision or otherwise),
- on economy, efficiency and effectiveness in the provision of local authority services [<sup>F27</sup>by bodies subject to audit and local government bodies in Wales] and of other services provided by bodies subject to audit other than health service bodies [<sup>F28</sup>and by local government bodies in Wales], or on the financial management of [<sup>F29</sup>bodies subject to audit and local government bodies in Wales].
- (2) The Commission shall publish or otherwise make available its report of the results of any study under this section, and shall send a copy of any such report to the Comptroller and Auditor General.
- (3) Where the Comptroller and Auditor General has received a copy of any such report he may, subject to subsection (4), require the Commission to provide him with any information obtained by it in connection with the preparation of the report, and for that purpose the Commission shall permit any person authorised by him to inspect and make copies of any documents containing such information.

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- (4) No information shall be required by the Comptroller and Auditor General under this section in respect of any particular body.
- (5) The Comptroller and Auditor General shall from time to time lay before the House of Commons a report of any matters which, in his opinion, arise out of studies of the Commission under this section and ought to be drawn to the attention of that House.
- (6) Before undertaking or promoting any study under this section the Commission shall consult—
- (a) the Comptroller and Auditor General;
  - [<sup>F30</sup>(b) the Secretary of State;]
  - [<sup>F31</sup>(bza) in the case of a study which has a connection with anything which may be inspected under Chapter 4 of Part 8 of the Education and Inspections Act 2006, Her Majesty's Chief Inspector of Education, Children's Services and Skills;]
  - [<sup>F32</sup>(ba) in the case of a study which has a connection with adult social services (within the meaning of Part 1 of the Health and Social Care Act 2008), the Care Quality Commission;]
  - (bb) in the case of a study which has a connection with any Welsh local authority social service (within the meaning of [<sup>F33</sup>Part 2 of the Health and Social Care (Community Health and Standards) Act 2003]), the National Assembly for Wales;
  - (c) such associations of local authorities or other bodies subject to audit as appear to it to be concerned; <sup>F34</sup> ...
  - (d) such associations of employees as appear to it to be appropriate.
  - [<sup>F35</sup>(da) in the case of a study relating to a local government body in Wales, also consult [<sup>F36</sup>the Welsh Ministers and] the Auditor General for Wales and take account of any relevant work done or being done by the Auditor General for Wales.]
- [<sup>F37</sup>(6A) The Commission may undertake or promote studies under this section relating to a local government body in Wales only if the Commission considers it necessary or desirable to do so for the purposes of any of these—
- (a) a study into the impact of anything mentioned in paragraph (a) or (b) of subsection (1) on economy, efficiency and effectiveness in the provision of local authority services throughout England and Wales by all local government bodies or a description of local government body;
  - (b) a study into the impact of anything mentioned in paragraph (a) or (b) of subsection (1) on economy, efficiency and effectiveness in the provision of other services throughout England and Wales by all local government bodies or a description of local government body;
  - (c) a study into the impact of anything mentioned in paragraph (a) or (b) of subsection (1) on the financial management throughout England and Wales of all local government bodies or a description of local government body.]

#### Textual Amendments

**F27** Words in s. 34(1) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 24(2)(a), s. 73, Sch. 2 para. 24(1); S.I. 2005/558, art. 2, Sch. 1

**F28** Words in s. 34(1) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 24(2)(b), s. 73, Sch. 2 para. 24(1); S.I. 2005/558, art. 2, Sch. 1

**F29** Words in s. 34(1) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 24(2)(c), s. 73, Sch. 2 para. 24(1); S.I. 2005/558, art. 2, Sch. 1

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- F30** S. 34(6)(b) substituted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 153(3)(a)**, 245(5); S.I. 2008/172, art. 2(1)(c)
- F31** S. 34(6)(bza) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 28**; S.I. 2007/935, art. 5(gg)
- F32** S. 34(6)(ba) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 5 para. 67(2)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F33** Words in s. 34(6)(bb) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 5 para. 67(3)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F34** Word in s. 34(6) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 24(1)(3), **Sch. 4**; S.I. 2005/558, art. 2, Sch. 1
- F35** S. 34(6)(da) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 24(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F36** Words in s. 34(6)(da) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 153(3)(b)**, 245(5); S.I. 2008/172, art. 2(1)(c)
- F37** S. 34(6A) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 24(1)(4); S.I. 2005/558, art. 2, Sch. 1

**F38** **35 Studies at request of bodies subject to audit.**

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**Textual Amendments**

- F38** S. 35 repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 154(a), 245(5), **Sch. 18 Pt. 11**; S.I. 2008/172, art. 2(1)(d)(u)(i)

**F39** **35A Studies for functional bodies at request of Greater London Authority.**

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**Textual Amendments**

- F39** S. 35A repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 154(b), 245(5), **Sch. 18 Pt. 11**; S.I. 2008/172, art. 2(1)(d)(u)(i)

**36 Studies at request of educational bodies.**

- (1) The Commission may promote or undertake studies designed to improve economy, efficiency and effectiveness in the management or operations of a body in the first column in the Table below if requested to do so by the body (or one of the bodies) specified in relation to it in the second column—

<i>Subject of study</i>	<i>Requesting body</i>
[ <sup>F40</sup> The Higher Education Funding Council for England].	The council.
The governing body of an institution [ <sup>F41</sup> in England] within the higher education sector.	The governing body or the [ <sup>F42</sup> Higher Education Funding Council for England].

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F43	F43
...	...
[ <sup>F44</sup> A person who provides training for members of the school workforce (within the meaning of Part 3 of the Education Act 2005) and receives financial assistance—	The provider or the Secretary of State.]
(a) from the Secretary of State under section 14 of the Education Act 2002, or	
(b) from a person who is receiving financial assistance from the Secretary of State under that section.	
F45	F45
...	...
F46	F46
...	...
F47	F47
...	...
The governing body of an institution [ <sup>F48</sup> in England] within the further education sector.	The governing body, <sup>F49</sup> ...
F50	...
...	...
F50	...
...	...
F50	...
...	...

- (2) The Commission may, at the request of [<sup>F51</sup>the Higher Education Funding Council for England]<sup>F52</sup> . . . , give the council advice in connection with the discharge of the council’s functions under section 124B(2)(b) of the <sup>M1</sup>Education Reform Act 1988 or paragraph 18(2)(b) of Schedule 7 to that Act.
- (3) The Commission may, at the request of a higher education corporation [<sup>F53</sup>, sixth form college corporation] or further education corporation in England—
- (a) advise them in connection with the appointment of persons to audit their accounts; and
  - (b) arrange for their accounts for any financial year to be audited by such of the Commission’s officers as the corporation <sup>F54</sup>. . . may appoint.
- (4) In subsection (3)—
- (a) “higher education corporation” [<sup>F55</sup>, “sixth form college corporation”] and “further education corporation” have the same meaning as in the <sup>M2</sup>Further and Higher Education Act 1992, and
  - (b) references to the accounts of a higher education corporation include references to any statement of accounts prepared by the corporation under paragraph 18 of Schedule 7 to the Education Reform Act 1988.

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- (5) The Commission shall charge the body at whose request any services are provided under this section such fees as will cover the full cost of providing them.
- (6) This section shall be construed as one with the <sup>M3</sup>Education Act 1996; and references in any enactment to the Education Acts include a reference to this section.

#### Textual Amendments

- F40** Words in s. 36(1) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 25(2)(a), s. 73, **Sch. 2 para. 25(1)**; S.I. 2005/558, art. 2, Sch. 1
- F41** Words in s. 36(1) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 25(2)(b)(i), s. 73, **Sch. 2 para. 25(1)**; S.I. 2005/558, art. 2, Sch. 1
- F42** Words in s. 36(1) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 25(2)(b)(ii), s. 73, **Sch. 2 para. 25(1)**; S.I. 2005/558, art. 2, Sch. 1
- F43** Words in s. 36(1) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 5 para. 13(2)**; S.I. 2012/924, art. 2
- F44** Words in s. 36(1) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 5 para. 13(3)**; S.I. 2012/924, art. 2
- F45** Words in s. 36(1) repealed (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a)(b), Sch. 1 para. 33(a), **Sch. 2 Pt. 1** (with art. 2(3))
- F46** S. 36(1) entry repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 25(2)(e), s. 73, Sch. 2 para. 25(1), **Sch. 4**; S.I. 2005/558, art. 2, Sch. 1
- F47** Entry in s. 36(1) repealed (1.4.2001) by 2000 c. 21, ss. 153, 154, **Sch. 11**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. 1 Pt. I** (with art. 3)
- F48** Words in s. 36(1) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), para. 25(2)(f)(i), s. 73, **Sch. 2 para. 25(1)**; S.I. 2005/558, art. 2, Sch. 1
- F49** Words in s. 36(1) repealed (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a)(b), Sch. 1 para. 33(b), **Sch. 2 Pt. 1** (with art. 2(3))
- F50** Words in s. 36(1) repealed (1.4.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F51** Words in s. 36(2) substituted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, Sch. 2 para. 25(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F52** Words in s. 36(2) repealed (1.4.2001) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 73(4), **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with art. 3)
- F53** Words in s. 36(3) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 98(a)** (with art. 2(3))
- F54** Words in s. 36(3)(b) repealed by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 225(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F55** Words in s. 36(4)(a) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 98(b)** (with art. 2(3))

#### Marginal Citations

- M1** 1988 c. 40.  
**M2** 1992 c. 13.  
**M3** 1996 c. 56.



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<sup>F57</sup>**37 Assistance to [<sup>F56</sup>other bodies and persons]**

.....

**Textual Amendments**

**F56** Words in s. 37 heading substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 35\(2\)](#); S.I. 2007/709, art. 3(p) (with art. 6)

**F57** S. 37 repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 149\(2\), 245\(5\), Sch. 18 Pt. 10](#); S.I. 2008/172, art. 2(1)(a)(u)(i)

**38 Benefit administration studies for Secretary of State.**

[<sup>F58</sup>(1) The Secretary of State may request the Commission to conduct or assist the Secretary of State in conducting studies designed to improve economy, efficiency, effectiveness and quality of performance in the discharge by local authorities of functions relating to the administration of housing benefit and council tax benefit.

[<sup>F59</sup>(1A) The Secretary of State may not exercise the power conferred by subsection (1) in relation to a county council, county borough council or community council in Wales.]

(2) In the following provisions of this section “study” means a study which the Commission is requested to conduct, or assist the Secretary of State in conducting, under subsection (1).

(3) If the Commission requires—

- (a) a local authority included in a study, or
- (b) an officer or member of such an authority,

to supply the Commission or an authorised person with such information as is needed for the purposes of the study, the authority or officer or member shall supply the information.

(4) If the Commission requires a local authority included in a study to make available for inspection by the Commission or an authorised person documents which relate to the authority and are needed for the purposes of the study, the authority shall make the documents available.

(5) Any information obtained under a requirement under subsection (3) or (4) may be disclosed by the Commission to the Secretary of State for the purposes of any functions of his which are connected with housing benefit or council tax benefit.

(6) In subsections (3) and (4) “authorised person” means a person authorised by the Commission for the purposes of this section.

(7) The Commission shall send to the Secretary of State a copy of any report of a study; and the Secretary of State or the Commission may send a copy of a report of a study to any local authority to which the study relates.

(8) Any report of a study may be published by the Secretary of State in conjunction with the Commission.

(9) The Commission shall not conduct, or assist the Secretary of State in conducting, a study unless before it does so the Secretary of State has made arrangements for the payment of such reasonable amount as may be agreed between him and the Commission in respect of the study.]

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Part III. (See end of Document for details)*

#### Textual Amendments

- F58** S. 38 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F59** S. 38(1A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 26](#); S.I. 2005/558, art. 2, [Sch. 1](#)

### 39 Social security references and reports to Secretary of State.

- [<sup>F60</sup>(1) The Commission or an auditor may refer to the Secretary of State any matter arising from an audit or study under this Act if it appears that it may be relevant for the purposes of any of the functions of the Secretary of State relating to social security.
- (2) The Commission may send to the Secretary of State a copy of any report of which a copy is sent to the Commission under section 10(2) and which contains observations on the administration by a local authority of housing benefit or council tax benefit.]

#### Textual Amendments

- F60** S. 39 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))

### [<sup>F61</sup>40 Studies relating to [<sup>F62</sup>private registered providers] of social housing

- (1) The Commission may promote or undertake studies designed to improve the economy, efficiency and effectiveness of [<sup>F63</sup>private registered providers] of social housing.
- (2) The Commission may charge fees for promoting or undertaking studies under subsection (1) at the request of the Regulator of Social Housing.
- (3) The Commission shall send the Regulator of Social Housing a report on any study under this section.
- (4) The Commission may publish the report.]

#### Textual Amendments

- F61** S. 40 substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 21](#); S.I. 2010/862, art. 2 (with [Sch.](#))
- F62** Words in s. 40 heading substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(2\)\(b\)](#)
- F63** Words in s. 40(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(2\)\(a\)](#)

#### Modifications etc. (not altering text)

- C4** Ss. 40-41B modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, [Sch. para. 1](#) (with art. 6)

### <sup>F64</sup>41 Provisions supplementary to section 40.

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*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Part III. (See end of Document for details)*

#### Textual Amendments

**F64** Ss. 41-41B repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), Sch. 9 para. 22, [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with Sch.)

### <sup>F64</sup>**41A Inspections of registered social landlords**

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#### Textual Amendments

**F64** Ss. 41-41B repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), Sch. 9 para. 22, [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with Sch.)

### <sup>F64</sup>**41B Fees for inspections under section 41A**

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#### Textual Amendments

**F64** Ss. 41-41B repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), Sch. 9 para. 22, [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with Sch.)

### <sup>F65</sup>**41C Advice and assistance for [<sup>F66</sup><sup>F67</sup>private registered providers] of social housing**

- (1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to a [<sup>F68</sup><sup>F69</sup>private registered provider] of social housing] for the purpose of the exercise by the [<sup>F70</sup><sup>F69</sup>private registered provider]] of its functions.
- (2) Advice or assistance under this section may be provided on such terms, including terms as to payment, as the Commission thinks fit.]

#### Textual Amendments

- F65** S. 41C inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 155\(3\)](#), 245(5); S.I. 2008/172, art. 2(1)(e)
- F66** Words in s. 41C heading substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 23\(3\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F67** Words in s. 41C heading substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(3\)\(b\)](#)
- F68** Words in s. 41C(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 23\(2\)\(a\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F69** Words in s. 41C(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(3\)\(a\)](#)
- F70** Words in s. 41C(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 23\(2\)\(b\)](#); S.I. 2010/862, art. 2 (with Sch.)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the  
 Audit Commission Act 1998 (repealed), Part III. (See end of Document for details)*

**F71 42 Consultancy services relating to audit of accounts of registered social landlords.**

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**Textual Amendments**

**F71** S. 42 repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 155(4), 245(5), [Sch. 18 Pt. 11](#); S.I. 2008/172, art. 2(1)(e)(u)(i)

**F72 43 Meaning of “registered social landlord”**

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**Textual Amendments**

**F72** S. 43 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 24](#), [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with [Sch.](#))

*Performance standards of local authorities etc.*

**F73 44 Publication of information as to standards of performance.**

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**Textual Amendments**

**F73** Ss. 44-47 repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 156, 245(5), [Sch. 18 Pt. 11](#); S.I. 2008/172, art. 2(1)(u)(i)

**F73 45 Permitted methods of publishing information under section 44.**

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**Textual Amendments**

**F73** Ss. 44-47 repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 156, 245(5), [Sch. 18 Pt. 11](#); S.I. 2008/172, art. 2(1)(u)(i)

**F73 46 Directions under section 44.**

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**Textual Amendments**

**F73** Ss. 44-47 repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 156, 245(5), [Sch. 18 Pt. 11](#); S.I. 2008/172, art. 2(1)(u)(i)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Part III. (See end of Document for details)*

<sup>F73</sup> **47** [<sup>F74</sup> **Application to parish councils and charter trustees.**]

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**Textual Amendments**

**F73** Ss. 44-47 repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), ss. 156, 245(5), **Sch. 18 Pt. 11**; S.I. 2008/172, art. 2(1)(u)(i)

**F74** S. 47 Heading substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004](#) (c. 23), s. 73, **Sch. 2 para. 32(a)**; S.I. 2005/558, art. 2, Sch. 1

*[<sup>F75</sup> Reports on performance]*

**Textual Amendments**

**F75** S. 47A and cross-heading inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 157(1)**, 245(5); S.I. 2008/172, art. 4(f)

**47A Reports relating to performance of English local authorities**

- (1) The Commission may produce comparative and other reports in relation to one or more of the following aspects of the performance of English local authorities in exercising their functions—
  - (a) the risk that authorities may fail to perform their functions or fail to perform their functions adequately;
  - (b) the rate at which authorities' performance is improving;
  - (c) the economy, efficiency and effectiveness of authorities' use of resources.
- (2) A report under subsection (1) may relate to—
  - (a) all English local authorities;
  - (b) any particular English local authority or authorities; or
  - (c) particular descriptions of English local authority.
- (3) A report under subsection (1) may relate to particular functions of authorities.
- (4) In this section, “English local authority” means—
  - (a) a county council in England;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Council of the Isles of Scilly;
  - (e) the Common Council of the City of London in its capacity as a local authority;
  - (f) a metropolitan fire and civil defence authority;
  - (g) the London Fire and Emergency Planning Authority; or
  - (h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- (5) The Secretary of State may by order amend the definition of “English local authority” in subsection (4) by adding any authority or body which is a best value authority<sup>F76</sup>....

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*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Part III. (See end of Document for details)*

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- (6) The Secretary of State may by order remove from that definition any authority or body for the time being mentioned in it.
- (7) The powers in subsections (5) and (6) may be exercised to add or remove an authority or body to the extent that it acts in a capacity, or exercises functions, specified in the order.
- (8) Before making an order under subsection (5) or (6) the Secretary of State must consult the best value authorities concerned or persons appearing to him to represent the best value authorities concerned.

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**Textual Amendments**

**F76** Words in s. 47A(5) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 229**; S.I. 2012/2892, art. 2(i)

**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Part III.